

**Commonwealth of Kentucky**  
**Natural Resources and Environmental Protection Cabinet**  
**Department for Environmental Protection**  
**Division for Air Quality**  
**803 Schenkel Lane**  
**Frankfort, Kentucky 40601**  
**(502) 573-3382**

## **AIR QUALITY PERMIT**

**Permittee Name:** City Utility Commission, Henderson, Kentucky  
**Mailing Address:** P. O. Box 8, Henderson, Kentucky 42420

**is authorized to operate an  
electric power generating plant**

**Source Name:** Municipal Power & Light- Station One Generating Plant  
**Mailing Address:** P. O. Box 8, Henderson, Kentucky 42420  
**Source Location:** 100 Fifth Street, Henderson, Kentucky 42420

**Permit Type:** Federally-Enforceable Title V  
**Review Type:** Title V

**Permit Number:** V-97-013  
**Log Number:** E192  
**KYEIS #:** 077-1760-0012  
**FINDS Number:** KYD020443933  
**SIC Code:** 4911

**Region:** Evansville-Owensboro-Henderson  
**County:** Henderson

**Issuance Date:**  
**Expiration Date:**

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John E. Hornback, Director  
Division for Air Quality

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## **SECTION A - PERMIT AUTHORIZATION**

Pursuant to a duly submitted application which was determined to be administratively and technically complete, the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the permit application, and other information submitted by the permittee. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, alter, or modify any affected facilities without having first submitted a complete application to the permitting authority and received a permit for the planned activity, except as provided in this permit or in Regulation 401 KAR 50:035, Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Division or any other federal, state, or local agency.

## **SECTION B EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

### **Emission Unit: 01 (Unit 5) Indirect Heat Exchanger**

Spreader stoker, coal-fired unit

Number two fuel oil used for startup and stabilization

Maximum continuous rating: 174 MMBTU/hour

#### **Applicable Regulations:**

Regulation 401 KAR 61:015, Existing indirect heat exchangers, and Regulation No. 7, Prevention and control of emissions of particulate matter from combustion of fuel in indirect heat exchangers

#### **1. Operating Limitations:**

None

#### **Compliance Demonstration Method:**

None

#### **2. Emission Limitations:**

- a) Pursuant to Regulation 401 KAR 61:015, Section 4(4), and Regulation No. 7, particulate emissions shall not exceed 0.4 lb/MMBTU based on a three-hour average.
- b) Pursuant to Regulation 401 KAR 61:015, Section 4(4), and Regulation No. 7, emissions shall not exceed 40 percent opacity except as provided in Regulation No. 7, Section 4 based on a six-minute average.
- c) Pursuant to Regulation 401 KAR 61:015, Section 5(1), sulfur dioxide emissions shall not exceed 6.0 lbs/MMBTU based on a twenty-four-hour average.

#### **Continuing Compliance Demonstration:**

1. Compliance to the sulfur dioxide allowable standard shall be demonstrated by calculating sulfur dioxide emissions using fuel usage rate, fuel analysis, and emission factor information.
2. Compliance to opacity standard shall be demonstrated by reading the opacity once in very month by the U. S. EPA Reference Method 9.
3. Compliance with the particulates allowable standard shall be demonstrated by calculating particulate emissions using fuel data, emission factor, and control efficiency information.

## **SECTION B EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

### **3. Testing Requirements:**

- a) Upon approval by the Division, at least one performance test for particulate emissions shall be conducted within the term of this permit to demonstrate compliance with the allowable standard.

### **4. Specific Monitoring Requirements:**

- a) Pursuant to Regulation 401 KAR 61:015, Section 6 (6), monitoring of operations for sulfur dioxide emissions shall be conducted daily by representative sampling and analysis of fuel to be burned.
- b) In accordance with Regulation 401 KAR 61:015, Section 6 (1), the sulfur content of solid fuels, as burned shall be determined in accordance with methods specified by the Division.
- c) In accordance with Regulation 401 KAR 61:015, Section 6 (3) the rate of fuel burned for each fuel burned shall be measured daily and recorded. The heating value and ash content of fuels shall be ascertained at least once per week and recorded. The average electrical output, and the minimum and maximum hourly generation rate shall be measured and recorded daily.

### **5. Specific Record Keeping requirements:**

- a) All records shall be kept in accordance with Regulation 401 KAR 61:015, Section 6, with the exception that the records shall be maintained for a period of five (5) years.
- b) Records documenting the results of each compliance test shall be maintained for five (5) years.

### **6. Specific Reporting Requirements:**

- a) See Section F, condition 6.

**SECTION B EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

**7. Specific Control Equipment Operating Conditions:**

- a) The mechanical collectors shall be operated as necessary to maintain compliance with the permitted emission limitations, in accordance with the manufacturer's specifications and / or good engineering practices.
- b) Records regarding the maintenance and operation of the control equipment shall be maintained and shall be made available for inspection upon request by any authorized representative of the Division.
- c) See Section E for further requirements.

**8. State-Origin Requirements:**

**a) Operating Limitations:**

None

**b) Emission Limitations:**

None

**9. Alternate Operating Scenarios:**

None

**10. Compliance Schedule:**

None

**11. Compliance Certification Requirements:**

See Section F, Condition 7.

## **SECTION B EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

**Emission Unit: 02 (Unit 6) Indirect Heat Exchanger**

Spreader stoker with fly-ash reinjection, coal-fired unit

Number two fuel oil used for startup and stabilization

Maximum continuous rating: 390 MMBTU/hour

### **Applicable Regulations:**

Regulation 401 KAR 61:015, Existing indirect heat exchangers, and Regulation No. 7, Prevention and control of emissions of particulate matter from combustion of fuel in indirect heat exchangers

### **1. Operating Limitations:**

None

### **Compliance Demonstration Method:**

None

### **2. Emission Limitations:**

- a) Pursuant to Regulation 401 KAR 61:015, Section 4(4), and Regulation No. 7, particulate emissions shall not exceed 0.4 lb/MMBTU based on a three-hour average.
- b) Pursuant to Regulation 401 KAR 61:015, Section 4(4), and Regulation No. 7, emissions shall not exceed 40 percent opacity except as provided in Regulation No. 7, Section 4 based on a six-minute average.
- c) Pursuant to Regulation 401 KAR 61:015, Section 5(1), sulfur dioxide emissions shall not exceed 6.0 lbs/MMBTU based on a twenty-four-hour average.

### **Continuing Compliance Demonstration:**

1. Continuous Emission Monitoring (CEM) data shall be used to demonstrate continuous compliance with the sulfur dioxide allowable emission.
2. Continuous Opacity Monitoring (COM) data shall be used to demonstrate continuous compliance with the opacity limitation.
3. Compliance with the particulates allowable standard shall be demonstrated by calculating particulate emissions using fuel data, emission factor, and control efficiency information.
4. Continuous Opacity Monitoring data can be used as an indicator to demonstrate continuous compliance with the allowable particulate emission.

## **SECTION B EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

### **3. Testing Requirements:**

- a) Upon approval by the Division, at least one performance test for particulate emissions shall be conducted within the term of this permit to demonstrate compliance with the allowable standard.

### **4. Specific Monitoring Requirements:**

- a) Pursuant to Regulation 401 KAR 61:015, Section 6 (6), monitoring of operations for sulfur dioxide emissions shall be conducted daily by representative sampling and analysis of fuel to be burned, or by the use of data collected by the 40 CFR Part 75 continuous emission monitoring system.
- b) In accordance with Regulation 401 KAR 61:015, Section 6 (1), the sulfur content of solid fuels, as burned shall be determined in accordance with methods specified by the Division.
- c) In accordance with Regulation 401 KAR 61:015, Section 6 (3) the rate of fuel burned for each fuel burned shall be measured daily and recorded. The heating value and ash content of fuels shall be ascertained at least once per week and recorded. The average electrical output, and the minimum and maximum hourly generation rate shall be measured and recorded daily.
- d) The permittee shall comply with the monitoring requirements of the acid rain permit issued by this Division.

### **5. Specific Record Keeping requirements:**

- a) Records shall be kept in accordance with Regulation 401 KAR 61:015, Section 6, with the exception that the records shall be maintained for a period of five (5) years.
- b) Records documenting the results of each compliance test shall be maintained for five (5) years.
- c) The permittee shall comply with the record keeping requirements of the acid rain permit issued by this Division.

### **6. Specific Reporting Requirements:**

- a) The permittee shall comply with the reporting requirements of the acid rain permit issued by this Division.
- b) See Section F, condition 6.



**SECTION B EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

**7. Specific Control Equipment Operating Conditions:**

- a) The mechanical collectors and electrostatic precipitator shall be operated as necessary to maintain compliance with the permitted emission limitations, in accordance with the manufacturer's specifications and / or good engineering practices.
- b) Records regarding the maintenance and operation of the control equipments shall be maintained and shall be made available for inspection upon request by any authorized representative of the Division.
- c) See Section E for further requirements.

**8. State-Origin Requirements:**

**a) Operating Limitations:**

None

**b) Emission Limitations:**

None

**9. Alternate Operating Scenarios:**

None

**10. Compliance Schedule:**

None

**11. Compliance Certification Requirements:**

See Section F, Condition 7.

## **SECTION B EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

**Emission Unit: 03 (EP-3) Diesel Generator**

Number two fuel-oil fired  
Rated Capacity: 1630 HP

### **Applicable Regulations:**

The affected facility is not subject to any applicable regulations.

#### **1. Operating Limitations:**

None

#### **2. Emission Limitations:**

None

#### **3. Testing Requirements:**

None

#### **4. Specific Monitoring Requirements:**

None

#### **5. Specific Record Keeping requirements:**

1. Records of amount of fuel usage per month shall be maintained for a period of five (5) years.

#### **6. Specific Reporting Requirements:**

None

#### **7. Specific Control Equipment Operating Conditions:**

None

#### **8. State-Origin Requirements:**

##### **a) Operating Limitations:**

None

##### **b) Emission Limitations:**

None

**SECTION B EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

**9. Alternate Operating Scenarios:**

None

**10. Compliance Schedule:**

None

**11. Compliance Certification Requirements:**

None

## **SECTION B EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

**Emission Unit: 04 (EP-4) Diesel Generator**

Number two fuel-oil fired  
Rated Capacity: 1630 HP

### **Applicable Regulations:**

The affected facility is not subject to any applicable regulations.

#### **1. Operating Limitations:**

None

#### **2. Emission Limitations:**

None

#### **3. Testing Requirements:**

None

#### **4. Specific Monitoring Requirements:**

1. Records of amount of fuel usage per month shall be maintained for a period of five (5) years.

#### **5. Specific Record Keeping requirements:**

None

#### **6. Specific Reporting Requirements:**

None

#### **7. Specific Control Equipment Operating Conditions:**

None

#### **8. State-Origin Requirements:**

##### **a) Operating Limitations:**

None

##### **b) Emission Limitations:**

None

**SECTION B EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

**9. Alternate Operating Scenarios:**

None

**10. Compliance Schedule:**

None

**11. Compliance Certification Requirements:**

None

## **SECTION B EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

### **Emission Unit: 05 (EP-5) Coal Conveying and Handling**

Equipment includes: receiving hopper, conveyors, coal crusher, and stockpile.

Operating Rate: 200 tons/hour.

#### **Applicable Regulations:**

Regulation 401 KAR 63:010, Fugitive emissions

#### **Applicable Requirements:**

- a) Pursuant to Regulation 401 KAR 63:010, Section 3, reasonable precautions shall be taken to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, when applicable, but not be limited to the following:
  - 1. Application and maintenance of asphalt, water, or suitable chemicals on roads, material stockpiles, and other surfaces which can create airborne dusts;
  - 2. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials, or the use of water sprays or other measures to suppress the dust emissions during handling;
- b) Pursuant to Regulation 401 KAR 63:010, Section 3, discharge of visible fugitive dust emissions beyond the property line is prohibited.

#### **1. Operating Limitation:**

None

#### **Compliance Demonstration Method:**

None

#### **2. Emission Limitations:**

None

#### **Compliance Demonstration Method:**

None

#### **3. Testing Requirements:**

None

## **SECTION B EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

### **4. Specific Monitoring Requirements:**

None

### **5. Specific Record Keeping Requirements:**

a) Records of coal received and processed (coal tonnage) shall be maintained and made available for inspection by any duly authorized representative of the Division.

b) See Section 7

### **6. Specific Reporting Requirements:**

See Section F, Condition 6.

### **7. Specific Control Equipment Operating Conditions:**

a) The control equipment shall be operated as necessary to maintain compliance with applicable requirements, in accordance with manufacturer's specifications and / or good engineering practices.

b) Records regarding the maintenance and operation of the control equipment shall be maintained and made available upon request for inspection by any duly authorized representative of the Division for Air Quality.

c) See Section E for further requirements.

### **8. State-Origin Requirements:**

#### **a) Operating Limitations:**

None

#### **b) Emission Limitations:**

None

### **9. Alternate Operating Scenarios:**

None

### **10. Compliance Schedule**

None

### **11. Compliance Certification Requirements**

See Section F, Condition 7.

## **SECTION C - INSIGNIFICANT ACTIVITIES**

**The following listed activities have been determined to be insignificant activities for this source pursuant to Regulation 401 KAR 50:035, Section 5(4). These activities are exempt from all permit requirements.**

1. No. 2 fuel oil tanks (maximum size is 16,000 gallons)
2. Lube oil tanks
3. Chemical feed tanks
4. Maintenance shop degreaser



## **SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS**

1. Particulate, sulfur dioxide, and visible (opacity) emissions, as measured by methods referenced in Regulation 401 KAR 50:015, Section 1, shall not exceed the respective limitations specified herein.
2. Compliance with annual emissions and processing limitations imposed pursuant to Regulation 401 KAR 50:035, Section 7(1)(a), and contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.

## **SECTION E - CONTROL EQUIPMENT CONDITIONS**

1. Pursuant to Regulation 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice as well as in accordance with manufacturer's specifications for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
2. All fugitive emissions shall be controlled in accordance with Regulation 401 KAR 63:010.

## **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS**

1. When continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
  - a) Date, place as defined in this permit, and time of sampling or measurements;
  - b) Analyses performance dates;
  - c) Company or entity that performed analyses;
  - d) Analytical techniques or methods used;
  - e) Analyses results; and
  - f) Operating conditions during time of sampling or measurement;
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained at the source authorized by this permit for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality.
3. The permittee shall allow the Division or authorized representatives to perform the following:
  - a) Enter upon the premises where a source is located or emissions-related activity is conducted, or where records are kept;
  - b) Have access to and copy, at reasonable times, any records required by the permit:
    - i) During normal office hours, and
    - ii) During periods of emergency when prompt access to records is essential to proper assessment by the Division;
  - c) Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit. Reasonable times shall include, but are not limited to the following:
    - i) During all hours of operation at the source,
    - ii) For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
    - iii) During an emergency; and
  - d) Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements. Reasonable times shall include, but are not limited to the following:
    - i) During all hours of operation at the source,
    - ii) For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
    - iii) During an emergency.

## **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

4. No person shall obstruct, hamper, or interfere with any Division employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Records of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be reported to the Division's Owensboro Regional Office no later than the six-month anniversary date of this permit and every six months thereafter during the life of this permit, unless otherwise stated in this permit. Data from the continuous emission and opacity monitors shall be reported to the Director in accordance with the requirements of Regulation 401 KAR 61:005 and/or Regulation 401 KAR 59:005, General Provisions, Section 3. All reports shall be certified by a responsible official pursuant to Section 6 (1) of Regulation 401 KAR 50:035, Permits. All deviations from permit requirements shall be clearly identified in the reports.
6. In accordance with Regulation 401 KAR 50:055, Section 1, the owner or operator shall notify the Division for Air Quality's Owensboro Regional Office by telephone as promptly as possible of any deviation from permit requirements, including those due to malfunctions, unplanned shutdowns, ensuing startups, or upset conditions, and report excess emissions. Pursuant to Regulation 401 KAR 50:035, Section 7(1)(e), the notification shall describe the probable cause of the deviations and corrective actions or preventive measures taken.
7. The permittee shall certify compliance with the terms and conditions contained in this permit, annually on the permit issuance anniversary date to the Division for Air Quality's Owensboro Regional Office and the U. S. EPA in accordance with the following requirements:
  - a) Identification of each term or condition of the permit that is the basis of the certification;
  - b) The compliance status regarding each term or condition of the permit;
  - c) Whether compliance was continuous or intermittent; and
  - d) The method used for determining the compliance status for the source, currently and over the reporting period, pursuant to 401 KAR 50:035, Section 7 (1) (c), (d), and (e);
  - e) Other facts the Division may require to determine the compliance status of the source;
  - f) The certification shall be postmarked by the 30th day following the applicable permit issuance anniversary date.
8. In accordance with Regulation 401 KAR 50:035, Section 23, the permittee shall report all information necessary to determine its subject emissions.

## **SECTION G - GENERAL CONDITIONS**

### **a) General Compliance Requirements**

1. The permittee shall comply with all conditions of this permit. Noncompliance shall be (a) violation(s) of State Regulation 401 KAR 50:035, Permits, Section 7 (3)(d) and for federally enforceable permits is also a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) and are grounds for enforcement action including but not limited to the termination, revocation and reissuance, or revision of this permit.
2. In accordance with Regulation 401 KAR 50:035, Section 7(3)(f), the filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition.
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause. The permit will be reopened for cause and revised accordingly under the following circumstances:
  - a) If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to Regulation 401 KAR 50:035, Section 12 (2) (c);
  - b) If any additional applicable requirements of the Acid Rain Program become applicable to the source;
  - c) The Division or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or
  - d) The Division or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish to the Division, in writing, information that the Division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit.

## **SECTION G - GENERAL CONDITIONS (CONTINUED)**

5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority. The permittee shall also provide additional information as necessary to address any requirement that becomes applicable to the source after the date a complete permit application was submitted but prior to the release of the draft permit.
6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit.
7. In accordance with Regulation 401 KAR 50:035, Section 7(3)(e), the permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance.
8. Except as identified as state-origin requirements in this permit, all terms and conditions contained herein shall be enforceable by the United States Environmental Protection Agency and citizens of the United States.
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in Regulation 401 KAR 50:038, Section 3(6).
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance.
11. This permit shall not convey property rights or exclusive privileges.
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of the U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.
14. Nothing in this permit shall alter or affect the authority of the U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.
15. PERMIT SHIELD: Except as provided in State Regulation 401 KAR 50:035, Permits, compliance by the affected facilities listed herein with the conditions of this permit shall be deemed to be compliance with all applicable requirements as of the date of the issuance of the permit.

## **SECTION G - GENERAL CONDITIONS (CONTINUED)**

16. Exceedances of emission standards from continuous emission monitor data, except which are allowed pursuant to Regulation 401 KAR 50:055, will be addressed in accordance with the U. S. EPA Region IV's continuous emission monitoring enforcement plan.
17. The permittee may conduct test burns of materials other than those listed in the permit without a construction permit or a reopening of this permit provided that:
  - a) Notification is provided to the Division at least 30 days prior to initiation of the test burning of the fuel;
  - b) The source complies with all applicable regulations and emission limitations;
  - c) The permittee agrees to perform such additional testing as may be required by the Division; The permanent use of such fuels shall be allowed upon completion of testing unless the Division determines that a permit is required. Such a determination shall be made within 60 days of the application receipt along with the test results.
18. Fugitive emissions shall be controlled in accordance with Regulation 401 KAR 63:010.
19. Emission limitations listed in this permit shall apply at all the times except during periods of startup, shutdown, or malfunctions in accordance with Regulation 401 KAR 50:055, as long as the permittee follows the requirements of Regulation 401 KAR 50:055.

### **b) Permit Expiration and Reapplication Requirements**

1. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, all the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date until the renewal permit is issued or denied by the Division.

### **c) Permit Revisions**

1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of Regulation 401 KAR 50:035, Section 15.

## **SECTION G - GENERAL CONDITIONS (CONTINUED)**

2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority thirty (30) days in advance of the transfer.

### **d) Acid Rain Program Requirements**

1. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.
2. The source shall comply with all requirements and conditions of the Title IV, Acid Rain Permit issued for this source.
3. When two or more condition(s) or requirement(s) apply from both the Acid Rain permit and the Title V permit, the source and/or affected facilities shall comply with the most stringent requirement(s) and/or condition(s).

### **e) Emergency Provisions**

1. An emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
  - i) An emergency occurred and the permittee can identify the cause of the emergency;
  - ii) The permitted facility was at the time being properly operated;
  - iii) During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
  - iv) The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two working days after the time when emission limitations were exceeded due to the emergency. The notice shall meet the requirements of Regulation 401 KAR 50:035, Permits, Section 7(1)(e)2, and include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken. This requirement does not relieve the source of any other local, state or federal notification requirements.
2. Emergency conditions listed in General Condition (e)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement.



## **SECTION G - GENERAL CONDITIONS (CONTINUED)**

3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof.

### **f) Risk Management Provisions under CAA 112(r)**

1. The permittee shall comply with all requirements of 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall:
  - a) Submit a Risk Management Plan and comply with the Risk Management Program by June 21, 1999 or a latter date specified by the U.S. EPA.
  - b) Submit additional relevant information if requested by the Division or the U.S. EPA.

### **g) Ozone Depleting Substances**

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
  - a) Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
  - b) Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
  - c) Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
  - d) Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
  - e) Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
  - f) Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.